



Department of Energy

ROCKY FLATS OFFICE
P.O. BOX 928
GOLDEN, COLORADO 80402-0928



94-DOE-01501

FEB 04 1994

Mr. Martin Hestmark
U. S. Environmental Protection Agency, Region VIII
ATTN: Rocky Flats Project Manager, 8HWM-FF
999 18th Street, Suite 500
Denver, Colorado 80202-2405

Mr. Gary Baughman
Hazardous Waste Facilities Unit Leader
Colorado Department of Health
4300 Cherry Creek Drive South
Denver, Colorado 80222-1530

Gentlemen:

This is in response to your letter of January 27, 1994, regarding Building 788 Closure and Relocation.

On January 18, in a meeting between Tom Looby, Jack McGraw, and Mark Silverman, it was agreed that it was in all of our interests that the clean-up work at Rocky Flats (RF) be done as expeditiously, cost effectively, and flexible a manner as possible. Because DOE is committed to this mutually agreed-upon goal, we have been actively seeking opportunities to incorporate this philosophy into the process. Consistent with this concept, we have identified the relocation of Bldg 788 as a likely candidate for demonstrating that working together, we can accomplish work faster, better, and for less cost than in the past.

The DOE's original plan for Bldg 788 was for it to be added to the RCRA Part B permit and continue to be utilized as a waste storage unit. However, because the building was situated so as to impede the accomplishment of the solar pond closure, DOE committed to address its presence in the context of Operable Unit (OU) No. 4. At the time, there was no pending use for the building and, therefore, there was no problem in including the building with the solar pond action.

However, DOE did not then, nor does it now, consider the action with regard to Bldg 788 to be the proper subject of an Interim Measure/Interim Remedial Action (IM/IRA), which the Interagency Agreement (IA) contemplates for "expedited response actions." The IA, at Chapter 1, Part 5, Paragraph 40, provides that expedited response actions are performed in order "to abate an actual or potential threat to public health, welfare, or the environment..." Bldg 788 clearly does not constitute an actual or potential threat to public health, welfare, or the environment, nor has it ever been the subject of an expedited action as defined in the IA. The solar ponds closure is the expedited action and the IA issue.

Since the agreement on OU-4 (which included Bldg 788 as part of that IM/IRA), DOE has identified a need for the building elsewhere on site. Upon evaluating this need, we

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also determined that the building relocation was an opportunity to perform clean-up work at RF in an accelerated mode. Bldg 788 is associated with RCRA Units 21 and 48. From a technical standpoint, it is DOE's opinion that the most effective and efficient approach is to close both of these units in accordance with the RCRA unit closure procedures that are contained in the RCRA permit.

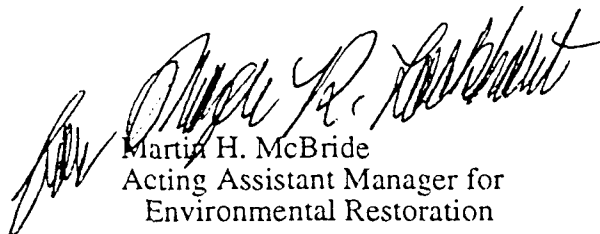
The DOE sincerely believes that the accelerated Bldg 788 relocation is an action not provided for in the IA. Since there is no imminent threat, it is not appropriate for an IM/IRA. In addition, the integrity of the OU-4 IM/IRA is not compromised by its removal. Therefore, we propose to agree with you as to the proper approach for accelerated relocation, which we believe to be the RCRA path outlined above. In the interest of moving this project forward, we are amenable to regulatory and public review of the 788 action.

If we are unable to agree to use the RCRA closure process, in the interest of satisfying the ability to utilize this building to meet other needs and to avoid a possible delay to the OU-4 action, under the proper circumstances, we would agree to obtain regulatory and public review of the 788 relocation via the use of an IM/IRA separate from the OU-4 IM/IRA. Within this IM/IRA, the parties would have to agree in writing that the closure would be described as being accomplished in accordance with the RCRA unit closure procedures that are contained in the RCRA permit; and, that this use of the IM/IRA process is for the expedited execution of the relocation project only, and is not intended, nor will the parties cite it in the future, to set any precedent for any other activities at the site.

The justification, new location, schedule, intended use and other related items for Bldg 788, which you requested in your January 27th letter, are in final preparation and will be provided to you by Tuesday, February 8, 1994.

I look forward to working with you on this innovative approach for Interagency cooperation which will help us all achieve our goals.

Sincerely,



Martin H. McBride
Acting Assistant Manager for
Environmental Restoration

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M. Hestmark & G. Baughman
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cc:

A. Pauole, OOM, RFO
L. Smith, IPP, RFO
B. Brainard-Jordan, OC, RFO
D. Lindsay, OCC, RFO
M. McBride, AMER, RFO
D. Ruscitto, DAMFO, RFO
D. Brockman, AMESH, RFO
S. Olinger, DAMESH, RFO
M. Karol, AMPME, RFO
J. Hartman, AMSSS, RFO
F. Lockhart, ER, RFO
R. Schassburger, AMER, RFO
V. Witherill, ER, RFO
J. Wienand, WPD, RFO
A. Duran, EPA
M. Hestmark, EPA
G. Baughman, CDH
H. Ainscough, CDH